

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAY SOUTHGATE, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PURECYCLE TECHNOLOGIES, INC.,
DUSTIN OLSON, and LAWRENCE SOMMA,

Defendants.

Case No. 1:23-cv-08605-JGK

**[PROPOSED] ORDER GRANTING THOMAS BIVONA'S MOTION FOR
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

WHEREAS, the above-captioned putative class action asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) has been filed in the Southern District of New York (the “Action”); and

WHEREAS, Thomas Bivona (“Bivona”) filed a timely motion to be appointed Lead Plaintiff; and

WHEREAS, Bivona has the largest financial interest in the relief sought by the Class and otherwise satisfies the requirements of Section 21D of the Exchange Act and Rule 23 of the Federal Rules of Civil Procedure; and

WHEREAS, in accordance with Section 21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Bivona seeks approval of his selection of Faruqi & Faruqi, LLP to serve as Lead Counsel for the Class.

AND NOW THIS ____ day of _____, the Court having considered Bivona’s Motion for Appointment as Lead Plaintiff and Approval of Lead Counsel, and all supporting documents, and good cause appearing therefore, it is hereby **ORDERED** as follows:

LEAD PLAINTIFF

1. The motion of Bivona to serve as Lead Plaintiff in the Action is GRANTED. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), Bivona is appointed as Lead Plaintiff for the putative Class.

LEAD COUNSEL

2. The motion of Bivona for approval of his counsel to serve as Lead Counsel is GRANTED. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Faruqi & Faruqi, LLP is approved to serve Lead Plaintiff and the Class as Lead Counsel.

3. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate as appropriate:
 - a. to coordinate the briefing and argument of any and all motions;
 - b. to coordinate the conduct of any and all discovery proceedings;
 - c. to coordinate the examination of any and all witnesses in depositions;
 - d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
 - e. to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
 - f. to coordinate all settlement negotiations with counsel for defendants;
 - g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;
 - h. to coordinate the preparation and filings of all pleadings; and
 - i. to supervise all other matters concerning the prosecution or resolution of the action.
4. With respect to scheduling and/or procedural matters, defendants' counsel may rely upon all agreements with Lead Counsel.
5. No pleadings or other papers shall be filed or discovery conducted by any plaintiff in the action except as directed or undertaken by Lead Counsel.
6. Counsel in any related action that is consolidated with this action shall be bound by this organizational structure.

7. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, defendants shall effect service of papers on Lead Plaintiff by serving copies on Lead Counsel by overnight delivery service, telecopy, hand delivery or electronic mail. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, Lead Plaintiff shall effect service of papers on defendants by serving copies on each of their counsel by overnight delivery service, telecopy, hand delivery, or electronic mail. Courtesy copies of all filings so delivered shall be sent by telecopy to Lead Counsel, or defendants' counsel, as applicable.

8. Every pleading filed in the Action shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Case No. 1:23-cv-08605-JGK

9. All related actions subsequently filed in, or transferred to, this District shall be consolidated into the Action and subject to this order.

10. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action with good cause shown.

IT IS SO ORDERED.

DATED: _____

HON. JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE